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**File No.** O. Medical 43

Legal Department
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**Subject:—** Opinions under the Bombay Medical Act, 1912

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**File No.** O Medical/43

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# C O N T E N T S

Legal Department File No. O. Medical 1958.


| Sr. No. | Compilation No. | Subject | Pages. |
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| | | Opinions under the Bombay Medical Act, 1912. | |
| 1. | R.I. No. 6290/5-6-43. Ons 4696/6-9-43 | Sec. 17 Amendment of | 1-4 |


SSM / 4/7/56.

Submitted.

In his letter No. G/88 dated 27-2-43, the President Bombay-~~Medical~~ Medical Council, observes that since due to the abnormal rise in the cost of printing and the acute shortage of paper it was not possible for the Registrar to cause to be printed and published the correct annual list of names and qualifications of all persons for the time being entered in the Register as required ~~y~~ by section 17 of the Bombay Mecical Act, 1912, the Medical Council decided to print a joint edition for the years 1941 and 1942. As, however, the Govt. Central Press which does the printing work for the Medical Council could not supply the number of copies sufficient for the due distrubution to the Medical practitioners, Govt. officers and public bodies, it was further decided to print 500 Adgenda copies of the Medical Register 1241-42 edition instead.

2. On further consideration, the Executive Committee of the Bombay Medical Council decided that hereafter Adgenda copies containing the names of the practitioners registered during the year be alone printed and only during the year in which general elections are-o to be held. TheSurgeon General with the Govt. of Bombay, states that the proposal will require amendment of section 17 of the Bombay Medical Act, 1912. The question for R.L.A's consideration is whether the above proposal of the Medical Council would necessitate amendment of section 17 of the Bombay Medical Act, 1912.

3. Section 6 of the Bombay Medical Act, 1912, recites this:- The Registerar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the Provincial Government from time to directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registerar under the orders of the Medical Council to keep the register correct and from time to time enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any retistered person may have obtained subsequent to his registration, and to erase the names of all registered pap persoh who have died; provided

provided that the Provincial Government may prescribe a fee for the entry of any additional qualification etc." Section 7 provides for persons who are entitled to be registered under the Act. Rules 70 and 71 of the rules framed by the Medical Council under section 19(2) of the Act Provide how the Registerar shall kep the Register of Medical Practitioners.

Section 17 provides that the Register shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the Register, and the dates when such qualifications were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is only registered under this Act, and that any person who is not so entered is not retistered. Rule 72 of the Rules framed under section 19(2) provides that the Registerar shall as early as possible in the same from as the Medical Register itself, a correct list of all persons whose names appear in the Register on 31st December preceding. The Registrar shall keep keep an interleaved copy of such printed list wherein he shall make, during the year, any entry, alteration or erasure that may be necessary. Rule 73 provides that there shall be made, every year, and entered in the printed Medical Register, an enumeration of (1) the total number of persons in the published Register (2) the number of persons added by registration during the year, (3) the number restored to the Register (4) the number erased from the Register, stating the section of the Act under which the name has been erased and (5) the number removed by death.

Section 17 of the Act read with rules 72 and 73 makes it clear that it is obligatory on the Registerar to cause to be printed and published every year a correct list of all persons whose names appear in the Register kept by the Registrar under section 6. This provision is mandatory. Since it is not possible to publish the list every year and since it is proposed that only adgenda copies containing only the names of persons registered during the year be printed and published, and that the whole list should be published at an interval of about five years, the proper course will be to amend section 17 in that behalf. The view expressed by the Sergeon General and G.D. office that to achieve the object in view amendment of section 17 of the Bombay Medical Act, 1912 will be necessarym, is correct.

Sd/- E.P.Bhamgara.
22/6

S.A.S.

I agree.

Reply may be:-

Papers are seen & returned.

The view expressed by G.D. at p. 15 ante is correct.

Id/- R.T.K.
24/6

A.L.R. I agree.

Id/- R.S.H.
30/6

R.L.A.

Id/- P.N.M.

2/7

Office of the R.L.A.

Seen and returned.

2. The view expressed by G.D. at page 15 ante is correct.

Id/- P.N.M.

3/7

Remembrancer of Legal Affairs.

U.R. to G.D., No. 4696 dated the 6th July 1953.

SSM / 4/7/56.